

Ordinance No:
Zoning Text Amendment No: 11-
Concerning: Commercial/Residential
(CR) Zones – Addition of
CRN and CRT zoning
categories
Draft No. & Date:
Introduced:
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- **Establish** the CRN (Neighborhood) and CRT (Town) zones; and
- **Amend** the CR Zones to make a variety of mostly minor amendments, some related to the process of integrating the new CRN and CRT zones, and some representing improvements and clarifications resulting from experience with the CR zones since their adoption.

By **amending** the following Division to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-15 “COMMERCIAL/RESIDENTIAL ZONES”
Sections 59-C-15.1 through 59-C-15.9

<p>EXPLANATION: <i>Boldface indicates a heading or a defined term.</i> <i><u>Underlining</u> indicates text that is added to existing laws by the original text amendment.</i> <i>[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.</i> <i><u>Double underlining</u> indicates text that is added to the text amendment by amendment.</i> <i>[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.</i> <i>* * * indicates existing law unaffected by the text amendment.</i></p>
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ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-C-15 is amended as follows:**

2 * * *

3 **DIVISION 59-C-15. COMMERCIAL/RESIDENTIAL [(CR)] ZONES**

5 **59-C-15.1. Zones Established.**

6 **59-C-15.11.** The Commercial/Residential [(CR)] zones are established as
7 combinations of a zone category and a sequence of 4 factors: maximum total floor
8 area ratio (FAR), maximum non-residential FAR, maximum residential FAR, and
9 maximum building height.

10 (a) There are three commercial/residential (CR) categories with variable uses,
11 density and height limits, general requirements, development standards, and
12 public benefit requirements to respond to different settings. These zone
13 categories are:

14 (1) CR Neighborhood (“CRN”);

15 (2) CR Town (“CRT”); and

16 (3) CR Metro (“CR”).

17 (b) The CR category is followed by a number and [These zones are identified
18 by] a sequence of three additional symbols: [CR,] C, R, and H, each
19 followed by a number where:

20 [(a)](1) the number following the CR category [symbol “CR”-] is the
21 maximum total FAR;

22 [(b)](2) the number following the [symbol] “C” is the maximum non-
23 residential FAR;

24 [(c)](3) the number following the [symbol] “R” is the maximum
25 residential FAR; and

26 [(d)](4) the number following the [symbol] “H” is the maximum
27 building height in feet.

(c) The Commercial/Residential Zones will be applied on the zoning map that will show, for each property classified under a CR zone, the zone category and the four regulated factors (total, non-residential, and residential density and height).

(d) This Division uses examples and illustrations to demonstrate the intent of the CR zones. These[The] examples and illustrations [in this Division] do not add, delete, or modify any provision of this Division.[Examples are provided only to demonstrate particular applications of the provisions in the Division. Examples are not intended to limit the provisions.]

59-C-15.12. Density and Height Allocation.

59-C-15.121. Density and Height Limits.

(a) Each unique sequence of CRN, CRT, or CR, and C, R, and H is established as a zone under the following limits:

<u>Category</u>	<u>Max Total FAR</u>	<u>Max C or R FAR</u>	<u>Max H</u>
<u>CRN</u>	<u>0.5 to 1.5</u>	<u>0.25 to 1.5</u>	<u>40 to 65</u>
<u>CRT</u>	<u>0.5 to 4.0</u>	<u>0.25 to 3.5</u>	<u>40 to 150</u>
<u>CR</u>	<u>0.5 to 8.0</u>	<u>0.25 to 7.5</u>	<u>40 to 300</u>

(b) Zones may be established and mapped at densities in increments of 0.25 and heights in increments of 5 feet within the ranges indicated in the table.

Example: Under the provisions of Sections (a) and (b), above, the CRN zones may establish maximum total densities of 0.5, 0.75, 1.0, 1.25, or 1.5 FAR and maximum heights of 40, 45, 50, 55, 60, or 65. The range of densities and heights from which the various CRN zones can be established and mapped provides guidance to master planners and the County Council in setting zones, and allows a developer to build at any height and density up to the maximum established on the

zoning map. For example, a property owner whose land is zoned at CRN1.0 C0.5 R1.0 H45 could elect to build at a 1.0 FAR with a height of 35 feet.

- [(a) the maximum total FAR must be established as an increment of 0.25 from 0.5 up to 8.0;
- (b) the maximum non-residential and residential FAR must be established as an increment of 0.25 from 0.25 up to 7.5; and
- (c) the maximum height must be established as an increment of 5 feet up to 100 feet and an increment of 10 feet from 100 feet up to 300 feet.]

59-C-15.122[1]. Density Averaging.

Permitted density may be averaged over 2 or more directly abutting or confronting properties[lots] in one or more CRN, CRT, or CR zones, provided that:

- (a) the properties[lots] are subject to the same site plan or sketch plan;
- (b) the resulting lots or parcels are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
- (c) the maximum total, [density and] non-residential, and residential density limits apply to the entire development, not to individual lots or parcels;
- (d) no building may exceed the maximum height set by the zone;
- (e) uses are subject to the provisions of the zone category [public benefits must be provided under the phasing element of an approved sketch plan]; and
- (f) the total allowed maximum density on a resulting [of a] lot or parcel [zoned CR] that is adjacent to or confronting a lot or parcel in an applicable residential zone [one-family residentially zoned or agriculturally zoned lots or parcels] may not [be] exceed[ed] that allowed by the zone.; and
- (g) the resulting development must conform to the design and land use objectives of the applicable master or sector plan and design guidelines.]

59-C-15.13. Applicability.

The CRN, CRT, and CR zones can only be applied when specifically recommended by an approved and adopted master or sector plan and only by [the] sectional map amendment[process].

Examples:

- An area zoned CRN[-11.5[2.0], C1.0, R1.0, H45[80] allows a total FAR [of]up to 1.5[2.0], with maximum non-residential and residential FARs of 1.0, thereby requiring a[n equal] mix of uses to obtain the total FAR allowed. The height for any building in this zone is limited to 45[80] feet.
- An area zoned CR[-]6.0, C3.0, R5.0, H200 allows [a residential FAR of up to 5.0, [a non-residential FAR [of]up to 3.0, a residential FAR up to 5.0, and a mix of the two uses could yield a total FAR of 6.0. This combination allows for flexibility in the market and shifts in the surrounding context. The height for any building in this zone is limited to 200 feet.
- An area zoned CRT[-]3.5[4.0], C3.5[4.0], R3.5[4.0], H100[60] allows complete flexibility in the mix of uses, including buildings with no mix, because the maximum allowed non-residential and residential FARs are both equivalent to the total maximum FAR allowed. The height for any building in this zone is limited to 100[60] feet.

59-C-15.2. Description and Objectives of the CR Zones.

The CRN, CRT, and CR zones permit a mix of residential and non-residential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and have access to services and amenities while minimizing the need for automobile use. The application of the CR zones is appropriate where ecological impacts can be moderated by co-locating housing, jobs, and services.

The objectives of the CRN, CRT, and CR zones are to:

- (a) implement the policy recommendations of applicable master and sector plans;
- (b) target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;

- (c) reduce dependence on the automobile by encouraging development that integrates a balanced combination of housing types, mobility options, commercial services, and public facilities and amenities;
- (d) allow a flexible mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods;
- (e) integrate[encourage] an appropriate balance of employment and housing opportunities[and compatible relationships with adjoining neighborhoods;
- (e) establish the maximum density and building height for each zone, while retaining appropriate development flexibility within those limits]; and
- (f) standardize optional method development by establishing minimum requirements for the provision of [the]public benefits that will support and accommodate density above the standard method limit.

59-C-15.3. Definitions Specific to the CR Zones.

The following words and phrases, as used in this Division, have the meaning indicated. The definitions in Division 59-A-2 otherwise apply.

Applicable Residential Zone: zones governed by Division 59-C-1 and Division 59-C-9 are included in all references in this Division to “an applicable residentially-zoned property” or equivalent phrases.

Car share space: a parking space that serves as the location of an in-service vehicle used by a vehicle-sharing service.

Cultural institutions: public or private institutions or businesses including: art, music, and photographic studios; auditoriums or convention halls; libraries and museums; recreational, performance, or entertainment establishments, commercial; theater, indoor; theater, legitimate.

131 **Day care facilities and centers:** facilities and centers that provide daytime care
132 for children and/or adults, including: child daycare facility (family day care,
133 group day care, child day care center); daycare facility for not more than 4
134 senior adults and persons with disabilities; and day care facility for senior
135 adults and persons with disabilities.

136 **Frontage:** a property line shared with an existing or master-planned public or
137 private road, street, highway, or alley right-of-way or easement boundary.

138 **Limits of Disturbance:** an area defined by a perimeter within which all
139 construction work must occur as established on a certified site plan.

140 **Live/Work unit:** Buildings or spaces within buildings that are used jointly for
141 non-residential and residential purposes[where the residential use of the space
142 may be secondary or accessory to the primary use as a place of work].

143 **Manufacturing and production, artisan:** The manufacture and production of
144 commercial goods by a skilled manual worker or craftsperson, such as jewelry,
145 metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food
146 products.

147 **Public Arts Trust Steering Committee:** A committee of the Arts and Humanities
148 Council that allocates funds from the Public Arts Trust.

149 **Public owned or operated uses:** Activities that are located on land owned by or
150 leased and developed or operated by a local, county, state, or federal body or
151 agency.

152 **Recreational facilities, participatory:** Facilities used for sports or recreation.

153 **Reconstruction:** Building the same or less floor area on or within the footprint of
154 a demolished or partially demolished building.

155 **Renovation:** An interior or exterior alteration that does not affect a building's
156 footprint.

Seasonal Outdoor Sales: A lot or parcel where a use or product is offered annually for a limited period of time during the same calendar period each year. The availability or demand for the use or product is related to the calendar period, such as Christmas trees, pumpkin patches, or corn mazes.

Tenant Footprint: The horizontal area measured within the exterior walls for the ground floor of the main structure allocated to each non-residential tenant or owner-occupant.

Transit proximity: Transit proximity is categorized in two levels: 1. proximity to an existing or planned Metrorail Station; 2. proximity to an existing or planned station or stop along a rail or bus line with a dedicated, fixed path. All distances for transit proximity are measured from the transit station or stop portal. To qualify as a planned station or stop the station or stop must be in the Capital Improvement Program queue.

59-C-15.4. Methods of Development and Approval Procedures.

The CRN zones allow development only under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method.[Two methods of development are available under the CR zones.]

59-C-15.41. Standard Method.

Standard method development [must comply with the general requirements and development standards of the CR zones.]is allowed under the following limitations and requirements.

(a) In the CRN zones, the maximum total, non-residential, and residential density and maximum height for any property is set by the zone shown on the zoning map.

(b) In the CRT and CR zones, the maximum standard method density is the lesser of the density set by the zone shown on the zoning map or:

<u>Category</u>	<u>Maximum Total Density (FAR)</u>
<u>CRT</u>	<u>1.0</u>
<u>CR</u>	<u>0.5</u>

(c) A site plan approval under Division 59-D-3 is required for a standard method development [project] only if it:

(1)[(a)] is a limited use;

(2) requests a[the] gross floor area exceeding[s] 10,000 square feet;

(3) requests a building height exceeding 40 feet; or

(4)[(b)] any building or group of buildings [contains 10 or more dwelling units.

59-C-15.42. Optional Method.

Optional method development [must comply with the general requirements and development standards of the CR zones and must provide public benefits under Section 59-C-15.8 to obtain greater density and height than allowed under the standard method of development. A sketch plan and site plan are required for any development using the optional method. A sketch plan must be filed under the provisions below; a site plan must be filed under Division 59-D-3. Any required preliminary subdivision plan must not be submitted before a sketch plan is submitted.]is allowed under the following limitations and requirements.

(a) The maximum total, non-residential, and residential density and height for any property is set by the zone shown on the zoning map.

(b) A sketch plan must be submitted under Section 59-C-15.43. Site plan(s) must be submitted under Division 59-D-3 for any development on a property with an approved sketch plan.

(c) Public benefits must be provided under Section 59-C-15.8.

59-C-15.43. Sketch Plan.

Any optional method development in the CRT and CR zones requires an approved sketch plan. Any required preliminary plan of subdivision or site plan may not be submitted before a sketch plan has been approved.

(a) A sketch plan application must contain:

(1) a justification statement that addresses how the project meets the requirements and standards of this Division [for optional method development]and describes how the development will further the objectives of the applicable master or sector plan;

(2) [an]illustrative plans [or model that]showing[s]:

(A) building densities, massing, heights, and the anticipated mix of uses;[the maximum densities for residential and non-residential uses, massing, and heights of buildings;]

(B) locations of public use and other open spaces;

(C) pedestrian, bicycle, and vehicular circulation, parking, and loading; and

(D) [the]relationships between existing or proposed adjacent buildings and rights-of-way;[on adjoining tracts;]

[(3) an illustrative diagram of proposed vehicular, pedestrian, and bicycle access, circulation, parking, and loading areas;]

(3)[(4)] a table of proposed public benefits and the incentive density requested for each; and

(4)[(5)] a[the] general phasing outline of structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

(b) Procedure for a sketch plan:

(1) Before filing a sketch plan application, an applicant must comply with the provisions of the Manual for Development Review Procedures, as amended, that concern the following:

(A) notice;

(B) posting the site of the application submittal; and

(C) holding a pre-submittal meeting.

(2) A public hearing must be held by the Planning Board on each sketch plan application no later than 90 days after the filing of an optional method development application, unless a request to extend this period is requested by the applicant, Planning Board staff, or other interested parties. A request for an extension must be granted if the Planning Board finds it not to constitute prejudice or undue hardship on any interested party. A recommendation regarding any request for extension must be acted upon[as a consent agenda item] by the Planning Board on or before the 90-day hearing period expires. Notice of the extension request and recommendation by Staff must be posted no fewer than 10 days before the item's agenda date.

(3) No fewer than 10 days before the public hearing on a sketch plan, Planning Board staff must submit its analysis of the application, including its findings, comments, and recommendations with respect to the requirements and standards of this division and any other matters that may assist the Planning Board in reaching its decision on

254 the application. This staff report must be included in the record of the
255 public hearing.

256 (4) The Planning Board must act within 30 days after the close of the
257 record of the public hearing, by majority vote of those present and
258 voting based upon the hearing record, to:

259 (A) approve;

260 (B) approve subject to modifications, conditions, or binding
261 elements; or

262 (C) disapprove.

263 (c) In approving a sketch plan, the Planning Board must determine[find] that
264 the following elements are appropriate in concept and appropriate for
265 further detailed review at site plan. The Planning Board must find that the
266 sketch plan:

267 (1) [The plan: (A)]meets the objectives, general requirements, and
268 standards of this Division;

269 (2) [(B) will]furthers the recommendations and objectives of the
270 applicable master or sector plan;] and (C) will provide more efficient
271 and effective development of the site than the standard method of
272 development;]

273 (3)[(2) The proposed building massing and height and public use and
274 other open spaces are located and scaled to]achieves compatible
275 internal and external relationships between[with each other and with
276]existing and proposed buildings, [and]open space, and uses[
277 adjacent to the site and with adjacent communities];

(4)[(3)] provides satisfactory[The] general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading[areas are adequate, safe, and efficient];

(5)[(4)] [The]proposes[d] an outline of public benefits that supports the [and associated]requested incentive density[will further the objectives of the applicable master or sector plan and the objectives of the CR zones]; and

(6)[(5)] establishes a feasible and appropriate provisional[The general] phasing plan for all [of]structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications[s is feasible and appropriate to the scale and characteristics of the project].

(d) During site plan review, the Planning Board may approve modifications to the binding elements or conditions of an approved sketch plan.

(1) If changes to a sketch plan are requested by the applicant, notice of the site plan application must identify those changes requested. The applicant has the burden of persuading the Planning Board that such changes should be approved.

(2) Other changes may be requested by Planning Board staff or required by the Planning Board. If [other]changes are recommended after the application is made but before posting of Planning Board staff's recommendation, notice of the site plan hearing must identify changes requested.

(3) Before approving or requiring a change to a sketch plan element, the Planning Board must find that the changed element better supports the findings necessary for site plan approval~~[In acting to approve a sketch~~

304 ~~plan modification as part of site plan review, the Planning Board must~~
 305 ~~make the findings required in Section 59-C-15.42 (c) in addition to~~
 306 ~~those required by Section 59-D-3].~~

307 **59-C-15.5. Land Uses.**

308 No use is allowed in the CRN, CRT, or CR zones except as indicated below:

- 309 - *Permitted Uses* are designated by the letter “P” and are permitted
 310 subject to all applicable regulations.
 311 - *Limited Uses* are designated by the letter “L” and are permitted
 312 subject to all applicable regulations and the additional restrictions
 313 under Section 59-C-15.51.
 314 - *Special Exception Uses* are designated by the letters “SE” and may be
 315 authorized as special exceptions under Article 59-G.

<u>Use</u>	<u>CR</u> <u>N</u>	<u>CR</u> <u>T</u>	<u>CR</u>
(a) Agricultural			
Farm and country markets	<u>L</u>	<u>P</u>	P
Farm, limited to crops, vegetables, herbs, and ornamental plants	<u>P</u>	<u>P</u>	P
Nursery, horticultural – retail or wholesale		<u>P</u>	P
Seasonal outdoor sales	<u>P</u>	<u>P</u>	P
(b) Residential			
Dwellings	<u>P</u>	<u>P</u>	P
Group homes, small[or large]	<u>P</u>	<u>P</u>	P
<u>Group homes, large</u>	<u>L</u>	<u>P</u>	<u>P</u>
Hospice care facilities	<u>L</u>	<u>P</u>	P
Housing and related facilities for senior adults or persons with disabilities	<u>P</u>	<u>P</u>	P
Life care facilities	<u>P</u>	<u>P</u>	P
Live/Work units	<u>P</u>	<u>P</u>	P
Personal living quarters	<u>P</u>	<u>P</u>	P
(c) Commercial Sales and Service			
Advanced technology and biotechnology		<u>P</u>	P
Ambulance or rescue squads, <u>private</u>	<u>L</u>	<u>L</u>	P
Animal boarding places	<u>SE</u>	<u>SE</u>	SE
Automobile filling stations		<u>SE</u>	SE
Automobile rental services, excluding storage of vehicles and supplies	<u>P</u>	<u>P</u>	P

<u>Automobile rental services, including storage of vehicles and supplies</u>		<u>L</u>	<u>L</u>
Automobile repair and services		<u>L</u>	P
Automobile sales, indoors	<u>L</u>	<u>L</u>	P
Automobile sales, outdoors[(except where a municipality prohibits the use within its jurisdiction by resolution)]		<u>L</u>	P
Clinic	<u>L</u>	<u>P</u>	P
Conference centers		<u>P</u>	P
Eating and drinking establishments	<u>L</u>	<u>P</u>	P
Health clubs and gyms	<u>L</u>	<u>P</u>	P
Home occupations, major	<u>SE</u>	<u>SE</u>	SE
Home occupations, registered and no-impact	<u>P</u>	<u>P</u>	P
Hotels and motels	<u>L</u>	<u>P</u>	P
Laboratories		<u>P</u>	P
Dry cleaning and laundry pick-up stations	<u>P</u>	<u>P</u>	P
Offices, general	<u>P</u>	<u>P</u>	P
Recreational facilities, participatory	<u>L</u>	<u>P</u>	P
Research, development, and related activities		<u>P</u>	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint up to 5,000sf</u>	<u>P</u>	<u>P</u>	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint between 5,000sf and 15,000sf</u>	<u>L</u>	<u>P</u>	<u>P</u>
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint between 15,000sf and 60,000sf</u>		<u>P</u>	<u>P</u>
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint over 60,000sf</u>		<u>L</u>	<u>P</u>
Self-storage facilities		<u>SE</u>	SE
<u>Veterinary hospitals and offices with boarding facilities</u>	<u>SE</u>	<u>L</u>	<u>P</u>
Veterinary hospitals and offices without boarding facilities	<u>P</u>	<u>P</u>	P
Warehousing, not including self-storage, less than 10,000 square feet		<u>P</u>	P
(d) Institutional & Civic			
Charitable and philanthropic institutions	<u>L</u>	<u>P</u>	P
Cultural institutions	<u>L</u>	<u>P</u>	P
<u>Day care facilities and centers with over 30 users</u>	<u>L</u>	<u>L</u>	<u>P</u>
Day care facilities and centers <u>with up to 30 users</u>	<u>P</u>	<u>P</u>	P
Educational institutions, private	<u>L</u>	<u>P</u>	P
Hospitals		<u>P</u>	P
Parks and playgrounds, private	<u>P</u>	<u>P</u>	P
Private clubs and service organizations	<u>L</u>	<u>P</u>	P
Publicly owned or publicly operated uses	<u>P</u>	<u>P</u>	P
Religious institutions	<u>P</u>	<u>P</u>	P
(e) Industrial			
Manufacturing and production, artisan	<u>P</u>	<u>P</u>	P

Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development		<u>L</u>	P
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment		<u>L</u>	P
(f) Other			
Accessory buildings and uses	<u>P</u>	<u>P</u>	P
Bus terminals, non-public		<u>P</u>	P
Parking garages, automobile		<u>P</u>	P
Public utility buildings, structures, and underground facilities	<u>P</u>	<u>P</u>	P
Radio and television broadcast studios		<u>P</u>	P
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	<u>P</u>	<u>P</u>	P

317 **59-C-15.51. Limited Uses.**

318 **59-C-15.511. Applicability.** Uses designated by an “L” in the land use table are
319 considered limited uses and must comply with the requirements of this Section if
320 they are on properties that are:

321 (a) Located adjacent to a property in an applicable residential or agricultural
322 zone; or

323 (b) Separated from such a property only by the right-of-way of a primary,
324 secondary, or tertiary residential street.

325 Where these circumstances do not apply, the use is considered a permitted use and
326 Section 59-C-15.41(c)(1) does not apply.

327 **59-C-15.512. Restrictions and requirements of limited uses.**

328 Limited uses must meet the site plan findings required under 59-D-3 and comply
329 with the design recommendations of the applicable sector or master plan, and
330 associated design guidelines, to ensure compatible relationships between such uses
331 and proximate residential housing through mitigating factors including, but not
332 limited to, increased setbacks, sound and visual barriers, decreased structural
333 heights, or diminished site lighting.

334 **59-C-15.6. General Requirements.**

Development in the CRN, CRT, and CR zones must comply with the following requirements.

59-C-15.61. Master Plan and Design Guidelines Conformance.

Development that requires a site plan must be consistent with the applicable master or sector plan, unless the Planning Board finds that events have occurred to render the relevant master or sector plan recommendation no longer appropriate, and must substantially conform to[address] any design guidelines approved by the Planning Board that implement the applicable plan.

[[59-C-15.62. Priority Retail Street Frontages.

Development that requires a site plan and is located on a street identified as a priority retail street frontage in the applicable master plan, sector plan, or design guidelines must be developed in a manner that is consistent with the recommendations and objectives of the applicable plan and address any applicable design guidelines approved by the Planning Board that implement the applicable plan.

59-C-15.63. Streetscape.

Streetscape improvements must be consistent with the recommendations of the applicable master or sector plan and must address any Planning Board approved design guidelines that implement the applicable plan.]]

59-C-15.62[4]. Bicycle Parking Spaces and Commuter Shower/Change Facility.

In place of the requirements of Article 59-E regarding bicycle parking spaces, development in the CRN, CRT, and CR zones must comply with the following provisions.

(a) Bicycle Parking Spaces

<u>Use</u>	<u>Publicly Accessible Bike Spaces</u>	<u>Private, Secure Bike Spaces</u>
<u>(1) Residential</u>		
<u>In a building containing less than 20 dwelling units</u>	<u>2</u>	<u>4</u>
<u>In a building containing 20 or more dwelling units</u>	<u>0.1 per unit to a maximum requirement of 10</u>	<u>0.5 per unit to a maximum requirement of 100</u>
<u>In any group living arrangement expressly for senior citizens</u>	<u>0.1 per unit, not fewer than 2, to a maximum requirement of 100</u>	<u>0.1 per unit, not fewer than 2, to a maximum requirement of 100</u>
<u>(2) Non-Residential</u>		
<u>Total non-residential floor area under 10,000sf</u>	<u>2</u>	<u>2</u>
<u>Total non-residential floor area between 10,000sf and 100,000sf</u>	<u>2 per 10,000sf</u>	<u>1 per 10,000sf, not fewer than 2, to a maximum requirement of 10</u>
<u>Total non-residential floor area greater than 100,000sf</u>	<u>20</u>	<u>1 per 10,000sf, not fewer than 10, to a maximum requirement of 100.</u>

(b) For office uses with a total non-residential floor area of 100,000sf or greater, one shower/change facility is required for each gender available only to employees when the building is accessible.

[(a) Bicycle parking facilities must be secure and accessible to all residents or employees of the proposed development.

(b) The number of bicycle parking spaces and shower/change facilities required is shown in the following table (calculations must be rounded to the higher whole number):

Bicycle and Shower/Change Facilities Required	
Use	Requirement
<i>Residential</i>	
In a building containing less than 20 dwelling units.	At least 4 bicycle parking spaces.
In a building containing 20 or more dwelling units.	At least 0.5 bicycle parking spaces per dwelling unit, not to be fewer than 4 spaces and up to a maximum of 100 required spaces.
In any group living arrangement expressly for senior citizens.	At least 0.1 bicycle parking spaces per unit, not to be fewer than 2 spaces, up to a maximum of 100 required spaces.
<i>Non-Residential</i>	
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	At least 2 bicycle parking spaces.
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces.
In a building with a total non-residential floor area of 100,000 square feet or greater.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces. One shower/change facility for each gender available only to employees when the building is accessible.

]

59-C-15.63[5]. Parking.

In place of the requirements of Article 59-E regarding parking space numerical requirements, landscaping, and surface parking design, development in the CRN, CRT, and CR zones must comply with the following provisions. All standards and requirements of Article 59-E that are not modified by this Section must be followed.

- [(a) (1) For projects that satisfy the requirements for transit proximity levels 1 or 2, the number of parking spaces provided on site must not exceed the number required under Article 59-E, except that the maximum number of parking spaces for general retail and restaurant uses is 4 spaces for every 1,000 square feet of gross leasable area, and no parking spaces are required for restaurant outdoor patron areas.
- (2) All projects that do not satisfy the requirements for transit proximity levels 1 or 2 must meet the parking requirements established under Article 59-E, except that the number of parking spaces for general retail and restaurant uses in Subsection (a)(1) may be provided without a parking waiver.
- (b) Except for retail and restaurant uses that satisfy Subsection (a)(1) and projects that do not satisfy transit proximity level 1 or 2, the number of parking spaces required is based on a building's distance from transit as follows:

Parking Requirements				
	Transit Proximity (Level 1 or 2)			
	¼ mile from transit	¼ to ½ mile from transit	½ mile to 1 mile from transit	>1 mile from transit
Non-residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.20	0.40	0.60	0.80

Residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.60	0.70	0.80	0.90
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393 The appropriate parking rates apply to the gross floor area within each distance
394 category.]

395 **59-C-15.631. Parking Ratios.**

396 Parking spaces must be provided according to the following minimums and
397 maximums. The minimum number of spaces required is equal to the number of
398 parking spaces that would otherwise be required by Division 59-E-3 multiplied by
399 the applicable factor in the table, or to the ratio indicated. When maximums are
400 imposed, no more parking than would otherwise be required by Division 59-E-3
401 may be provided.

<u>Use</u>	<u>CRN</u>		<u>CRT</u>		<u>CR</u>			
<u>Distance from a level 1 or 2 transit station or stop</u>	<u>Up to 1/2 mile</u>	<u>Greater than 1/2 mile</u>	<u>Up to 1/2 mile</u>	<u>Greater than 1/2 mile</u>	<u>Up to 1/4 mile</u>	<u>1/4 to 1/2 mile</u>	<u>1/2 to 1 mile</u>	<u>Greater than 1 mile</u>
<u>(a) Residential</u>								
<u>Maximum:</u>	<u>None</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>

<u>Minimum:</u>	<u>0.8</u>	<u>1.0</u>	<u>0.7</u>	<u>0.8</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>	<u>0.9</u>
(b) <u>Retail and restaurant non-residential uses (gross leasable indoor area; no parking spaces are required for outdoor patron area)</u>								
<u>Maximum:</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>4 per</u> <u>1,000</u> <u>sf</u>	<u>4 per</u> <u>1,000</u> <u>sf</u>	<u>4 per</u> <u>1,000</u> <u>sf</u>	<u>0.8</u>
(c) <u>All other non-residential uses</u>								
<u>Maximum:</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>0.2</u>	<u>0.4</u>	<u>0.6</u>	<u>0.8</u>

(d) The appropriate parking rates apply to the gross floor area of each use within each distance category.

59-C-15.632. Accepted Parking Spaces

[(c)] Parking requirements must be met by any of the following:

(a)[(1)] providing the spaces on site;

(b)[(2)] constructing publicly available on-street parking; or

(c)[(3)] participating in :

(1) a parking lot district ;

(2) [or]a shared parking program established by municipal resolution or;

(3) entering into an agreement for shared parking spaces in a public or private facility within ¼ mile[1,000 feet] of the subject lot, if the off-site parking facility is not in an agricultural (Division 59-C-9), planned unit development (Division 59-C-7), or residential (Division 59-C-1) zone, unless otherwise allowed by this Chapter.

[(d)] Every “car-share” space provided reduces the total number of required spaces by 6 spaces for a non-residential use or 3 spaces for a residential use.

Example: A non-residential project on a CR-zoned site requiring at least 100 spaces under Article 59-E would be required to provide a maximum of 100 spaces on site. If that site was within ¼ to ½ mile of a transit station, the minimum requirement for parking would be 40 spaces ($100 \times 0.40 = 40$). If 2 car-share spaces were provided, that requirement would be 28 for non-residential use or 34 for residential use.

59-C-15.633. Parking Space Location and Access.

[(e)] The design of surface parking spaces[facilities] must comply with the following:

- (a)[(1)] [a] parking spaces[facility at] on or above grade must not be located between the street and the main front wall of the building or the side wall of [a]the main building on a corner lot[unless the Planning Board finds that safe and efficient circulation would be better served by a different arrangement]; and
- (b)[(2)] if a site is adjacent to an alley, the primary vehicular access to the parking facility must be from that alley.; and
- (3) curb cuts must be kept to a minimum and shared by common ingress/egress easements whenever possible.]

59-C-15.634. Drive-Through Facility Design.

Any drive-through facility must comply with the following:

- (a)[(f)] no part of a drive-through service facility, including the stacking area, may be located within 100 feet of a property line shared with an applicable residentially-zoned property;[The design of parking facilities with drive-through services must comply with the following; however, the Planning Board may approve a design if it finds that the alternative design would provide safer and more efficient circulation:]

(b)(1) no drive-through service window, drive aisle, or stacking area may be the driveway must not be located between the street and the main front wall of the main a building or the side wall of a building on a corner lot];

(c)(2) no the drive-through service window, drive aisle, or stacking area may must be located between the street and the on the rear or side wall of the main building on a corner lot unless; any service window on the side wall of a building must be permanently screened from any street by a 5-foot or higher wall or fence; and

(d) any development with a drive-through service facility must submit a site plan under Section 59-D-3.(3) curb cuts to a street must be minimized to one drive aisle of no more than 20 feet in width for two-way traffic or two drive aisles each of no more than 10 feet in width for one-way traffic.]

59-C-15.635. Landscaping and Lighting.

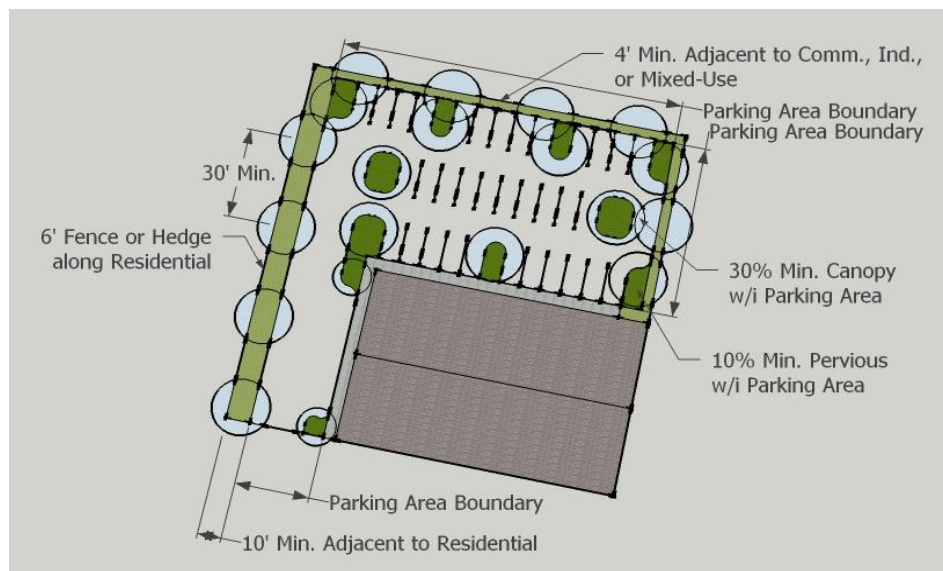
(g) Except for areas used for internal driveway or sidewalk connections between lots or parcels that are not in applicable residential [(59-C-1) or agricultural (59-C-9)]zones, landscaping for surface parking spaces[facilities] must satisfy the following requirements:

Minimum Landscape Standards for Surface Parking	
Subject	Requirement
(a) <u>Property line adjacent to a right-of-way</u> [Right-of-Way Screening]	<u>No less than 6-foot wide</u> [th of] continuous soil panel (<u>excluding any easements</u>) with[or] stormwater [management recharge]facilities,[y (not including any PUE or PIE) with groundcover,] planting bed, or lawn <u>including</u> [:] a minimum 3-foot high continuous evergreen hedge or fence; [and] <u>plus</u> one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.
(b) <u>Property line adjacent to a lot or parcel in an applicable residential zone</u>	No less than 10-foot width continuous soil panel (excluding any easements) with stormwater facilities, planting bed, or lawn including a minimum 6-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet of frontage.

(c)	Property line [A]adjacent to a lot or parcel in any zone not subject to (b), above[Commercial, Industrial, or Mixed-Use Zone]	No less than 4-foot width continuous soil panel (excluding any easements) with[or] stormwater [management recharge]facilities,[y with groundcover,] planting bed, or lawn; plus one deciduous tree per 30 feet[of frontage].
	[Adjacent to a lot or parcel in an Agricultural or Residential District	10-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; 6-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of frontage.]
(d)	Internal Pervious Area	No less than 10 percent of the parking facility area comprised of individual areas of at least 100 square feet each.
(e)	Tree Canopy Coverage	No less than 30 percent of the parking facility area (at 15 years growth).
(f)	Lighting	Per the Illuminating Engineering Society of North America standards, or County equivalent, with full or partial cut-off fixtures and no more than 0.5 footcandle illumination at any property line subject to (b), above.

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Surface Parking Landscape Requirements Illustrative

59-C-15.636. Waiver of parking provisions.

The Director, Planning Board, or Board of Appeals may waive any requirement of Section 59-C-15.63 not necessary to accomplish the objectives of this Division and Section 59-E-4.2, and in conjunction with such a waiver may adopt reasonable mitigating requirements above the minimum standards. At least 10 days notice of

any request for a waiver under this Section must be provided to all adjoining property owners, affected citizen associations, and Planning Department Staff, if applicable, before a decision may be made.

59-C-15.7. Development Standards.

Development in [any]the CRN, CRT, and CR zones must comply with the following standards.

59-C-15.71. Density and Height.

Maximum density and height are specified by the zone established on the zoning map under the provisions of Section 59-C-15.1.

[(a) The maximum density for any standard method project is the greater of 0.5 FAR or 10,000 square feet of gross floor area. Any single land use or any combination of land uses allowed in the zone may achieve the maximum density.

(b) The maximum total density and mix of maximum non-residential and residential density for any project using the optional method of development is specified by the zone.

59-C-15.72. Height.

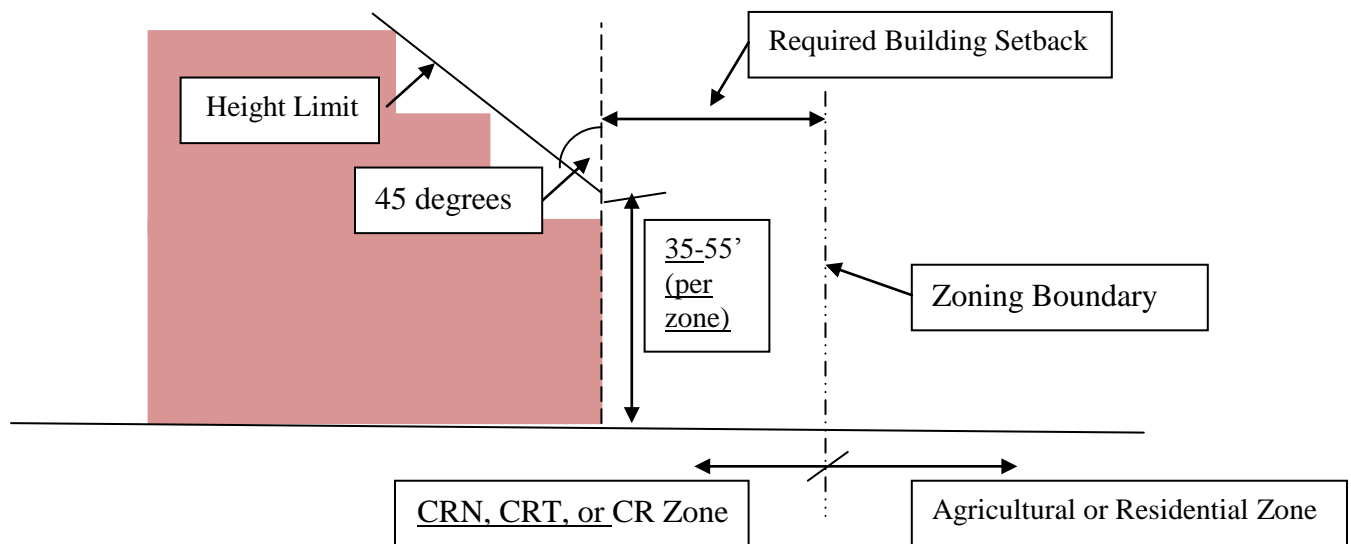
(a) The maximum height for any building or structure in a standard method project is 40 feet.

(b) The maximum height for any building or structure in an optional method project is determined by the zone.]

59-C-15.72[3]. Setbacks.

(a) Where a property is adjacent to [A building must not be any closer to a lot line shared with]a lot or parcel in an applicable residential zone[agricultural (Division 59-C-9) or residential (Division 59-C-1) zone than] any building:

- (1) must have a minimum setback of 25 feet or the setback required by the adjacent property[lot], whichever is greater; and
- (2) [the building]must not project beyond a 45 degree angular plane projecting over the subject property[lot] measured from a height of 55 feet in the CR zones, 45 feet in the CRT zones, or 35 feet in the CRN zones at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Section 59-B-1.



Angular Plan Setback Illustration

- (b) The development of a new building in place of a building existing when [the]a CRN, CRT, or CR zone is applied may be built to the previously allowed[pre-existing] setback[s] if the height of the new building is not increased above[over that] the height of the former building.

59-C-15.73[4]. Public Use Space.

- (a) Public use space is not required for any standard method project that does not require a site plan. If a site plan is required for the proposed project, [then the minimum]public use space is [10 percent of the project's net land area]required as follows:[.]

<u>Gross Tract Area</u>	<u>Minimum Public Use Space</u>
<u>Up to 10,000sf</u>	<u>None</u>
<u>10,001sf up to 3 acres</u>	<u>10% of net tract area</u>
<u>Over 3 acres</u>	<u>10% of limits of disturbance</u>

- (b) Projects using the optional method of development must provide public use space as follows:

Minimum Required Public Use Space (% of net tract area)				
Acres (Gross)	Number of Existing, <u>Proposed</u> , and <u>Master</u> -Planned Right-of-Way Frontages			
	1	2	3	4+
< ½	0	0	0	5
½ - 1.00	0	0	5	10
1.01 - 3.00	0	5	10	10
3.01 – 6.00	5	10	10	10
6.01 +	10	10	10	10

- (c) Public use space must be:
- [(1) be calculated on the net tract area that was included in the sketch plan application;
 - (2) be [(1)] rounded to the next highest 100 square feet;
 - (2) [(3)] be easily and readily accessible to the public; and
 - [(4) be distributed within the entire tract area included in the sketch plan application; and
 - (5)] (3) contain amenities such as seating options, shade, landscaping, artwork, or fountains[other similar public benefits].
- (d) Instead of providing on-site public use space[, for any site of 3 acres or less, a development may propose the following alternatives], an applicant may

satisfy all or part of the requirement by one or more of the following means,
subject to Planning Board approval:

- (1) implementing public park or public use space improvements of an equal or greater size within or near the applicable master or sector plan area^{1/4} mile of the subject site]; or
- (2) making a payment in part or in full[to the Public Amenity Fund under Section 59-D-2.31] for design, construction, renovation, restoration, installation, and/or operation within or near the applicable master or sector plan area if the payment is:[.]
 - (A) equal to the cost of constructing an equal amount of public use space and associated amenities on-site per square foot plus the fair market value of the application property per square foot;
 - (B) used to implement the open space, recreation, and cultural goals of the applicable master or sector plan; and
 - (C) made within 30 days of the release of any building permit for the subject application.

[(e) A development on a site larger than 3 acres may only provide off-site public use space in order to provide master-planned open space improvements, or a payment under Subsection (d)(2), for an area of equal or greater size required on site that is:

- (1) located within the same master plan area as the proposed development; and
- (2) indicated on the approved sketch plan.]

59-C-15.74[5]. Residential Amenity Space.

- (a) Any building containing 20 or more dwelling units must provide amenity space for its residents as follows:

Required Residential Amenity Space	
Type of Amenity Space	Area of Amenity Space
Indoor space in a multi-purpose room, fitness room, or other common community room(s), at least one of which must contain a kitchen and bathroom.	A minimum of 20 square feet per [dwelling]market-rate unit up to 5,000sf[square feet].
Passive or active outdoor recreational space.	A minimum of 20 square feet per [dwelling]market-rate unit, of which at least 400 square feet must adjoin or be directly accessible from the indoor amenity space, up to 5,000sf.

(b) Additional[The] amenity space is not required for Moderately Priced Dwelling Units (MPDUs) or Workforce Housing Units (WFHUs) on a site within a metro station policy area or where the Planning Board finds [that there is]adequate recreation facilities and open space area available within [a]½ mile [radius]of the subject site. If such a finding cannot be made, amenity space must be provided for each MPDU and WFHU per the rate in the table above.

[(c) The amenity space requirement may be reduced by ½ for Workforce Housing Units (WFHUs) located within a metro station policy area or if the minimum public open space requirement is satisfied on site.]

(c)[(d)] The provision of residential amenity space may be counted towards meeting the required recreation calculations under the M-NCPPC Recreation Guidelines, as amended.

59-C-15.8. Special Regulations for the Optional Method of Development

[59-C-15.81. Incentive Density Provisions.]

This section establishes incentives for optional method projects to provide public benefits in return for increases in density and height above the standard method maximums[, consistent with the applicable master or sector plan,] up to the maximum permitted by the zone.

59-C-15.81. Incentive Density Categories.

[(a)] Public benefits must be provided that enhance or contribute to the objectives of the CRT and CR zones in some or all of the following categories:

- (a)[(1)] Master-planned m]Major public facilities;
- (b)[(2)] Transit proximity[for residents, workers, and patrons];
- (c)[(3)] Connectivity between uses, [and]activities, and mobility options;
- (d)[(4)] Diversity of uses and activities;
- (e)[(5)] Quality of building and site design; and
- (f)[(6)] Protection and enhancement of the natural environment.[; and
- (7) Advanced dedication of right-of-way.]

Section[s] 59-C-15.85[2 through 59-C-15.88] indicates the individual [types of]public benefits that may be accepted in each of these categories.

59-C-15.82. Public Benefits Required.

Any optional method development must provide public benefits from at least 4 of the 6 categories listed in Section 59-C-15.81 and:

- (a) Development in the CRT zones must provide public benefits worth a minimum total of 50 points; and
- (b) Development in the CR zones must provide BLTs required under Section 59-C-15.856(a) for 5 points and additional public benefits worth a minimum total of 95 points (100 minimum points in sum).

59-C-15.83. General Incentive Density Considerations.

[(b)] In approving any incentive density based on the provision of public benefits, the Planning Board must consider:

- (a)[(1)] The recommendations and objectives[policy objectives and priorities] of the applicable master or sector plan;

(b)(2) Any applicable design guidelines and any adopted public benefit standards and guidelines]The CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area;

(c)(3) The size and configuration of the tract;

(d)(4) The relationship of the site to adjacent properties;

(e)(5) The presence or lack of similar public benefits nearby; and

(f)(6) Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit.

Examples: Pedestrian activation along a through-block connection, greater vegetated roof or tree canopy area than required, tower step-backs at a lower height or deeper into the site than the minimum necessary to qualify for the benefit, or provision of neighborhood services for more smaller businesses than required.

[(c) Any incentive density increase approved by the Planning Board for an optional method of development application must satisfy Subsection 59-C-15.87(a).]

59-C-15.84. CR Zones Incentive Density Implementation Guidelines.

[(d)]The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits[that may be provided for incentive density]. The guidelines must be:

(a)(1) be c)]Consistent with the [recommendations and]objectives of this Division[e applicable master or sector plan and the purpose of the CR zones];

- (b)(2) be i) In addition to any standards, requirements, or rules of incentive density calculation included in this Division, but may not conflict with[supersede] those provisions; and
- (c)(3) allow any single feature of a project a density incentive from only 1 public benefit;
- (4) o) Only allow incentive density for those [address the]public benefits listed in Section[s] 59-C-15.85[2 through 59-C-15.88 and must not add a public benefit category; and
- (5) include the criteria to determine when an early dedication of right-of-way qualifies for incentive density, and the amount of the incentive density permitted].

59-C-15.85. Individual Public Benefit Descriptions and Criteria.

59-C-15.851.[2. Incentives for Master-Planned] Major Public Facilities.

Major public facilities [such as schools, libraries, recreation centers, urban parks, and county service centers]provide public services at convenient locations and where increased density creates a greater need for civic uses and greater demands on public infrastructure[, centers for community meetings, and civic events].

- (a) Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan.
- (b) If a major public facility is not recommended in the applicable master or sector plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major facilities recommended in the applicable master or sector plan.
- Additionally, any infrastructure upgrade may only receive incentive density

for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.

(c)(a) Because of their significance in place-making, the Planning Board may approve incentive density of up to 40 points in the CRT zones and 70 [percent]points in the CR zones for (1) the conveyance of a site or floor area for, [and/or] (2) construction of, and/or (3) making a payment for a major public facility that is [designated on a master plan or sector plan and is] accepted for use and/or operation by an[the] appropriate public agency, community association, or nonprofit organization.

59-C-15.852.[3. Incentives for]Transit Proximity.

Development near transit facilities [In order to]encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions[, the Planning Board may approve incentive density for transit proximity under this section. The percentage of incentive density awarded to a project for transit proximity is as follows] Transit proximity points are granted for proximity to existing or planned transit based on transit service level and CR category as follows:

[Transit Proximity	Level 1	Level 2
Adjacent or confronting	50%	30%
Within ¼ mile	40%	25%
Between ¼ and ½ mile	30%	20%
Between ½ and 1 mile	20%	15%]

<u>Proximity</u>	<u>Adjacent or confronting</u>		<u>Within ¼ mile</u>		<u>Between ¼ and ½ mile</u>		<u>Between ½ and 1 mile</u>	
<u>Transit</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>

<u>Service Level</u>								
<u>CRT</u>	<u>25</u>	<u>15</u>	<u>20</u>	<u>12.5</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>7.5</u>
<u>CR</u>	<u>50</u>	<u>30</u>	<u>40</u>	<u>25</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>15</u>

(a) A project is adjacent to or confronting a transit station or stop if it shares a property line[,]or easement line, or is separated only by a right-of-way from an existing or planned transit station or stop and 100 percent of the gross tract area [submitted]in a single sketch plan application is within ¼ mile of the transit portal.

(b) For split proximity-range projects:

(1) [For all other projects to qualify for incentive density availability at the other distances,]If at least 75 percent of the gross tract area in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range; but[must be within the range for which the incentive is proposed.]

(2) If[The incentive density for projects]less than 75 percent of the gross tract area in a single sketch plan is within the closer of two proximity ranges, the points[1 distance range] must be calculated as the weighted average of the percentage of area in each range.

59-C-15.853.[4. Incentives for] Connectivity and Mobility.

[In order to]Development that enhances connectivity between uses and amenities; [and] increases mobility options; encourages non-automotive travel[for short and multi-purpose trips as well as for commuting]; facilitates social [and commercial]interaction; provides opportunities for healthier living; and stimulates local businesses.], the Planning Board may approve incentive density of up to 30% for a project that provides at least 2 of the following public benefits:]

- (a) **Neighborhood Services:** At least 10 points for [S]safe and direct pedestrian access to at least 10 different retail services on site or within 1/4 mile, of which at least 4 have a [maximum]retail bay floor area of no greater than 5,000 square feet.
- (b) **Minimum Parking:** Up to 10 points for providing [Provision of the minimum required]less than the maximum allowed number of parking spaces, if a maximum is applicable under Section 59-C-15.631[for projects of one acre of gross tract area or more].
- (c) **Through-Block Connections:** Up to 20 points for [S]safe and attractive pedestrian connections between streets.
- (d) **Public Parking:** Up to 25 points for providing [Provision of]up to the maximum number of parking spaces allowed in the zone as public parking.
- (e) **Transit Access Improvement:** Up to 20 points for [E]ensuring that access to transit facilities meets County standards for handicapped accessibility.
- (f) **Trip Mitigation:** At least 15 points for entering into a[A] binding [and verifiable]Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a non-auto driver mode share of at least 50% for trips attributable to the site.
- (g) **Streetscape:** Up to 20 points for construction of off-site streetscape excluding any streetscape improvements required by this Division.
- (h) **Advance Dedication:** Up to 30 points for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.

(i) **Way-Finding:** At least 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities.

59-C-15.854.[5. Incentives for]Diversity of Uses and Activities.

Development that [In order to]increases the variety and mixture of land uses, types of housing, economic [diversity]variety, and community activities; contributes to development of [a]more efficient and sustainable communities[y]; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction.], the Planning Board may approve incentive density of up to 30% for a project that provides affordable housing or a public facility, as described below, or at least 2 of the other following public benefits:]

(a) **Affordable Housing:**

(1) All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs) except that achieving bonus density under Section 25A-5(c)(3), as amended from time to time, entitles an applicant to incentive density points under this Division equal to the bonus density percentage.[and may provide Workforce Housing Units (WFHUs) under Chapter 25B.

(1) MPDU Incentive Density: Provision of MPDUs above the minimum required is calculated on the total number of dwelling units as required by Chapter 25A, and the percent of incentive density increase is based on the proposed FAR for the entire project.]

Example: Provision of 14.5% MPDUs is awarded [an incentive density of] 20 points; provision of 13.0% MPDUs is awarded 5 points.[% (see 25A-

5(c)(3)). In the case of a CR 4.5 zone that proposes 4.5 FAR, that equals 0.20 x 4.0 (the incentive density), which is 0.8 FAR.]

(2) Up to 30 points for providing [WFHU Incentive Density: Provision of] Workforce Housing Units (WFHUs) at a rate of [is calculated at the following rate:] 2 times the percentage of total units, excluding MPDUs [provided as WFHUs].

Example: Provision of 5% WFHUs is awarded [incentive density of]10 points[%]; provision of 12% WFHUs is awarded [incentive density of]24 points[%].

- (b) **Adaptive Buildings:** Up to 15 points for constructing commercial or mixed use buildings with [Provision of buildings with]minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
- (c) **Care Centers:** Up to 20 points for constructing a [C]child or adult day care facility[ies] with spaces for at least 15 users.
- (d) **Small Business Opportunities[Retention]:** Up to 20 points for providing[Provision of] on-site space for small, neighborhood-oriented businesses.
- (e) **Dwelling Unit Mix:** At least 5 points for integrating a mix of residential unit types with [Provision of]at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.
- (f) **Enhanced Accessibility for the Disabled:** Up to 20 points for constructing [Provision of]dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or [units that satisfy]an equivalent County standard.

(g) **Live/Work:** Up to 10 points for developments of up to 2.0 FAR total density that provide at least the greater of 3 units or 10% of the total unit count as live/work units.

59-C-15.855.[6. Incentives for]Quality Building and Site Design.

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to [the] increased density [of]in these settings, buildings tend to be [have]highly visible[ility] and [. H]high quality design [may]helps [to] attract residents, patrons, and businesses to [locate in]these areas[settings]. Location, height, massing, façade treatments, and ornamentation of buildings affect sense of place, orientation, and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind, and noise, as well as the functional and economic value of property. [In order to promote high quality design, the Planning Board may approve incentive density of up to 30% to a project that provides at least 2 of the following public benefits:]

- (a) **Historic Resource Protection:** Up to 20 points for the [P]preservation and/or enhancement of or payment towards preservation and/or enhancement of a historic resource [indicated on]or a contributing element within an historic district designated in the Master Plan for Historic Preservation[in conformance with a plan approved by the Historic Preservation Commission. A fee-in-lieu for a specific preservation project may be paid to the Historic Preservation Division as specified in the Guidelines for Public Benefits].
- (b) **Structured Parking:** Up to 20 points for placing [P]parking [provided] within [a]above- or below-grade structures[or below-grade].

- (c) **Tower Step-Back[etback]:** At least 5 points for [Setback of]stepping back a building's upper floors by a minimum of 6 feet behind[yond] the first floor façade. The step-back must begin at a height no greater than [at a maximum height of]72 feet.
- (d) **Public Art:** Up to 15 points for installing [Provision of]public art [must be] reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee[A fee-in-lieu may be paid to the Trust as specified in the Guidelines for Public Benefits].
- (e) **Public Open Space:** Up to 20 points for providing, or making a payment for,[Provision of] open space in addition to the minimum public use space required by this Division[e zone. Public open space must be easily accessible to the public during business hours and/or at least from sunrise to sunset and must contain amenities such as seating, plantings, trash receptacles, kiosks, and water features].
[**Streetscape:** Construction of off-site streetscape in addition to the requirements of this division.]
- (f) **Exceptional Design:** Up to 10 points for building and/or site design whose visual and functional impacts enhance the character of a setting per the purposes delineated in this Section.[Building design that provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; introduces new materials, forms, or building methods; uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable; and integrates low-impact development methods into the overall design of the site and building.]

(g) **Architectural Elevations:** Up to 20 points for providing elevations of architectural façades and agreeing to be bound by particular elements of design, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort, or enhance neighborhood compatibility.

59-C-15.856.[7. Incentives for]Protection and Enhancement of the Natural Environment.

Protection and enhancement of natural systems and decreases in energy consumption help [In order to combat sprawl and]mitigate or reverse environmental impacts[problems] such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile.[, the Planning Board may approve a density increase up to 30% for the public benefits in this Subsection:]

(a) **Building Lot Termination(BLT):** Up to 30 points for the purchase of BLT [CR zones require the purchase of BLT]easements or payment to the Agricultural Land Preservation Fund (ALPF)[for at least 5% but no more than 30% of the incentive density under the following conditions]. The first 5 points are mandatory for all developments in the CR zones; up to 25 additional points are allowed as an option.

(1) In the CR zones, an applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 5% of the incentive density floor area under the following parameters:

846 (A) One BLT must be purchased or equivalent payment made for
847 every 20,000 square feet included in the 5% incentive density
848 floor area; and

849 (B) Any private BLT easement must be purchased in whole units;
850 or

851 (C) BLT payments must be made to the ALPF, based on the
852 amount established by Executive Regulations under Chapter
853 2B; if a fraction of a BLT easement is needed, a payment based
854 on the gross square footage of incentive density must be made
855 for at least the fraction of the BLT easement.

856 (2) Up to 25 points for the purchase of BLTs, or equivalent payments to
857 the ALPF for any incentive density above 5%. Each BLT easement
858 purchase or payment is equal to 30,000 square feet of floor area, or
859 such proportionate square footage represented by a fractional BLT
860 purchase or payment. This is converted into points by dividing the
861 incentive density floor area covered by the purchase or payment by
862 the total square feet of the incentive density area.[must be made to the
863 Agricultural Land Preservation Fund, based on the amount
864 established by Executive Regulations under Chapter 2B; if a fraction
865 of a BLT easement is needed, a payment based on the gross square
866 footage of incentive density must be made to the Agricultural Land
867 Preservation Fund for at least the fraction of the BLT easement.

868 (3) In the CRT zones, BLT payments are optional; each BLT easement
869 purchase or payment is equal to 30,000sf of floor area, or such
870 proportionate square footage represented by a fractional BLT
871 purchase or payment.[(A) For the first 5% of incentive density,

each BLT easement purchase or payment allows 20,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.

(B) For the incentive density above 5%, each BLT easement purchase or payment allows 30,000 gross square feet of incentive density or a proportion thereof, allowed by a payment for a fraction of a BLT.]

Example: If a 50,000 square-foot CR3.0 site is fully developed, the incentive density available to be earned equals 125,000sf (150,000sf - 25,000sf = 125,000sf). The 5% BLT requirement for 125,000sf equals 6,250sf, which equals 0.32 BLT (6,250sf / 20,000sf = 0.32). If the applicant seeks an additional 10 points through the purchase of BLTs, 10% of the incentive density is calculated, which in this case is 12,500sf (125,000sf x 0.10 = 12,500sf). Because 1 BLT, above the required 5%, is equivalent to 30,000sf, the 12,500sf requires a payment for an additional 0.42 BLTs (12,500sf / 30,000sf = 0.42). Together, the required and incentive BLTs equal 0.74 BLTs for 15 points in the Environment category.

(b) **Energy Conservation and Generation:** At least 10 points for constructing buildings that [Provision of energy-efficiency that]exceed[s] the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing [, or provision of] renewable energy generation facilities on-site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement for the development.

(c) **Vegetated[Green] Wall:** At least 5 points for the [I]installation and maintenance of a vegetated wall that covers at least 30% of any blank wall

or parking garage façade that is at least 300 feet in area and is visible from a public street or open space.

(d) **Tree Canopy:** At least 10 points for tree canopy [C]coverage at 15 years of growth of at least 25% of the on-site open space.

(e) **Vegetated Area:** At least 5 points for [I]installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet[of previously impervious surfaces]. This does not include vegetated roofs.

(f) **Vegetated Roof:** At least 10 points for installation [Provision]of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.

(g) **Cool Roof:** At least 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

(h) **Recycling Facility Plan:** At least 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that must comply with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.

(i) **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration, or enhancement of natural habitats, onsite or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other county laws.

[59-C-15.88. Advanced dedication of right-of-way.

When sketch plans or site plans are approved, the Planning Board may allow an incentive density not to exceed 30% for a prior dedication of rights-of-way for roadways, sidewalks, or bikeways recommended in the applicable master

or sector plan, if the County or the State is responsible for constructing the facility on the right-of-way.]

59-C-15.9. Existing Approvals.

- (a) One or more lawfully existing buildings, [or]structures, or[and the] uses [therein], [which]~~that~~ predate the [applicable sectional map amendment]application of the CR zone to the site[,] are conforming structures or uses, and may be continued, renovated, repaired, or reconstructed to the same size and configuration, or enlarged up to a total of 10 percent above the total existing floor areas of all buildings and structures on site or 30,000 square feet, whichever is less, and such development does not require a site plan. [Enlargements]Expansions in excess of the limitations in this Subsection will require compliance with the full provisions of this Division. Uses located in a building or structure deemed conforming under the provisions of this Subsection may be converted to any permitted non-residential or residential use(s) up to the density limits established by the zone.
- (b) A project that received an approved development plan under Division 59-D-1 or schematic development plan under Division 59-H-2 before the application[enactment] of the CR zones to the site may proceed under the binding elements of the development plan and will thereafter be treated as a lawfully existing building, and may be renovated or reconstructed under Subsection (a) above. Such development plans or schematic development plans may be amended as allowed under Division 59-D-1 or 59-H-2 under the provisions of the previous zone; however, any incremental increase in the total floor area beyond that allowed by Subsection (a) above or any incremental increase in building height greater than 15 feet requires, with

respect to the incremental increase only, full compliance with the provisions of this Division. Any failure to fully comply with the binding elements of the development plan will require full compliance with the provisions of this Division.

(c) At the option of the owner, any portion of a project subject to an approved development plan or schematic development plan described in Subsection (b) above may be developed under this Division. The remainder of that project continues to be subject to the approved development plan or schematic development plan, under Subsections (a) and (b).

(d) A project which has had a preliminary or site plan approved before the applicable sectional map amendment may be built or altered at any time, subject to either the full provisions of the previous zone or this division, at the option of the owner. If built under the previous approval, it will be treated as a conforming building, structure, or use[lawfully existing building] and may be renovated or reconstructed under Subsection (a) above. If built with an incremental increase over the previous approval, only that incremental increase must comply with this Division.

(e) A project that has had a special exception approved before application of the a CR zone to the site may continue as a lawfully existing use as long as it fully complies with the terms and conditions of its approval. Any failure to fully comply with the terms and conditions of the special exception approval will require full compliance with the provisions of this Division. If a special exception holder chooses to operate under this Division instead of under the special exception, written notice must be provided to the Board of Appeals that the special exception has been abandoned.